



**Petition for Writ of Habeas Corpus for
Persons in Federal Custody under 28 U.S.C. § 2241**

Instructions

1. Petitions brought under 28 U.S.C. § 2241 usually involve one of the following situations: (1) a federal prisoner believes that the Bureau of Prisons (“BOP”) has wrongly computed his release date, (2) a federal prisoner believes that the BOP has wrongly taken away some of his “goodtime credits,” (thereby extending the duration of his confinement), (3) a federal prisoner is seeking an expedited transfer to a “residential re-entry center”, (i.e., a “half way house”), or (4) a person who is being detained by federal immigration authorities while awaiting deportation. State pre-trial detainees can also seek habeas relief by filing a § 2241 petition.
2. Answer each question on the form with legible handwriting or have it typewritten. The form must be signed as instructed on the last page of the form.
3. Every petition for habeas corpus must be sworn to under oath. Therefore, any false statement of material fact provided on the form may serve as a basis of prosecution and conviction for perjury. Petitioners should exercise due care to assure that all answers are true and correct.
4. To start a case under 28 U.S.C. § 2241, the petitioner must submit the following to the Clerk’s Office:
 - a. A completed Petition for Writ of Habeas Corpus, Persons in Federal Custody under Title 28 U.S.C. § 2241 form.
 - b. A completed Civil Cover Sheet.
 - c. The \$5.00 filing fee **OR** request to waive the filing fee by submitting a completed Application to Proceed in District Court without Prepaying Fees or Costs form (IFP).
5. When you have completed the form, send the signed original to the following address:

United States District Court, District of Minnesota Clerk’s Office
U.S. Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

(612) 664-5000

6. The Court has a Pro Se Guidebook for Petitions for Writ of Habeas Corpus Under 28 U.S.C. § 2241 by Persons in Federal Custody that you may consult for additional information. You may obtain a copy of this Guidebook by contacting the Clerk’s Office at the contact information provided at the end of this document.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Petitioner,

vs.

Case No. _____
(To be assigned by Clerk of District Court)

Respondent.

Petition for Writ of Habeas Corpus for Persons in Federal Custody
Under 28 U.S.C. § 2241

PARTIES

List your full name and prisoner number.

Petitioner:

Prisoner Number:

List the Respondent and the Respondent's address.

Respondent:

Street Address:

County, City:

State & Zip Code:

1. What is your current place of detention:
2. What is the name and location of the Court which imposed the sentence you are contesting:
3. What are the indictment number or numbers (if known) upon which the offense or offenses for which sentence was imposed:
 - (a)
 - (b)
 - (c)
4. What is the date upon which sentence was imposed and the terms of the sentence?
 - (a)
 - (b)
 - (c)
5. Was a finding of guilty made (check the option that applies)?
 - ☐ After a plea of guilty
 - ☐ After a plea of not guilty
 - ☐ After a plea of nolo contendere
6. If you were guilty after a plea of not guilty, was the finding made by (check the option that applies)?
 - ☐ A jury
 - ☐ A judge without a jury
7. Did you appeal the judgment of conviction or the imposition of sentence?
 - ☐ Yes
 - ☐ No
8. If you answered "yes" to question 7, provide the following:
 - (a) The name of each court to which you appealed:

- (i)
- (ii)
- (iii)

(b) The result in each such court to which you appealed:

- (i)
- (ii)
- (iii)

(c) The date of each result:

- (i)
- (ii)
- (iii)

(d) If known, citations to any written opinions or orders entered related to each results:

- (i)
- (ii)
- (iii)

9. GROUNDS FOR RELIEF

Describe in the space provided below the grounds on which you base your allegation if you are a state pretrial detainee challenging your custody or a federal prisoner or other person in federal custody challenging the fact of or duration of your confinement not directly caused by a judgment in a federal criminal case. **Letter each ground for relief, starting with the letter (a).** Each ground for relief should be described separately and include: (1) a concise statement of the relevant facts; and (2) a brief description of the legal principle(s) on which it is based.

(a)

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Grounds for Relief and continue to letter the paragraphs consecutively.

10. Have you filed previous petitions for habeas corpus, motions under 28 U.S.C. § 2255, or other applications, petitions or motions with respect to this conviction?

☐ Yes

☐ No

If you checked yes, please list those actions below:

11. If you answered “yes” in question 10, list with respect to each petition, motion or application:

(a) The specific nature of the action (for example, petition under 28 U.S.C. § 2255)

(i)

(ii)

(iii)

(b) The name and location of the court in which each action was filed

(i)

(ii)

(iii)

(c) The disposition or final determination made in each action

(i)

(ii)

(iii)

(d) If known, the citations to any written opinions or orders entered related to each action

(i)

(ii)

(iii)

12. For each ground raised in question 9, above, state why your remedy under 28 U.S.C. § 2255 is inadequate or ineffective to test the legality of your detention. Please answer this question regardless of whether you filed a motion under 28 U.S.C. § 2255. **Provide your explanation by using the corresponding lettered ground for relief from question 9.**

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Question 12 and continue to letter the paragraphs consecutively.

13. Have you presented any of the grounds for relief provided in question 9, above, to this Court or any other Federal Court by way of petition for habeas corpus, motion under 28 U.S.C. § 2255, or any other petition, motion or application?

- ☐ Yes
- ☐ No

14. If you answered “yes” to question 13, identify all the proceedings in which each ground was raised. You must identify the lettered ground raised in question 9 and the proceeding in which the ground was raised.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Question 14.

15. Have any of the grounds for relief presented in this petition been raised in any prison grievance procedure or administrative remedies procedure?

☐ Yes

☐ No

16. If you answered “yes” to question 15, provide the following for each ground that has been raised: (1) the lettered ground stated in question 9; (2) each step that was taken to resolve the claim through a grievance procedure or administrative remedies procedure; and (3) the disposition of the claim at each step.

(Please attach to this petition copies of any written materials relating to grievance procedures or administrative remedies procedures, including statements of the claim(s) presented and responses received).

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Question 16.

17. Are there any administrative remedies available for any of your grounds for relief that have not been exhausted?

☐ Yes

☐ No

18. If you answered “yes” to question 17, for each unexhausted ground for relief, explain why the available administrative remedies were not fully exhausted. Please identify the lettered ground for relief from question 9 to which you refer for each explanation.

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Question 18.

19. If you were represented by an attorney during any of the following procedures, state the name and address of the attorney(s):

(a) Your appearance before a United States Magistrate Judge

(i) Name:

(ii) Address:

(b) Your arraignment and plea

(i) Name:

(ii) Address:

(c) Your trial, if any

(i) Name:

(ii) Address:

(d) Your sentencing

(i) Name:

(ii) Address:

(e) Your appeal, if any, from the judgment of conviction or the imposition of sentence

(i) Name:

(ii) Address:

(f) Preparation, presentation, or consideration of any petitions, motions, or applications with respect to this conviction that you filed

(i) Name:

(ii) Address:

_____ being first sworn under oath, presents that he/she
(Signature of petitioner)

has subscribed to the foregoing petition and states that the information provided in the petition is true and correct to the best of his/her knowledge and belief.

(Signature of affiant)

SUBSCRIBED AND SWORN to before me on _____
(today's date)

(Name of notary)

My commission expires: _____

NOTARIZATION IS NOT NECESSARY IF THE FOLLOWING STATEMENT IS
COMPLETED

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(today's date)

(Signature of Petitioner)